

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY

SHAUNNE OLSON,

Plaintiff,

-vs-

Case No: 4:06-CV-0154-SEB-WGH

HMS WestPac EXPRESS, INC.,

Defendant.

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**PLAINTIFF'S MOTION FOR PAYMENT OF UNEARNED WAGES and ATTORNEY  
FEES**

NOW COMES Plaintiff and states the following in support of his motion for unearned wages and attorney fees as follows:

1. On September 24, 2007, Plaintiff received Defendant's responses to Plaintiff's Request for Production of Documents.
2. Included in Defendant's production were the shipping articles covering Plaintiff's employment.
3. When a crewmember is injured in the service of the vessel, he is entitled to unearned wages for the duration of the articles as explained in the accompanying Brief.
4. In discovery Defendant also produced early documentation of its rationale for not paying maintenance and cure, a claim that the condition was not work related, albeit, being work related is not a pre-condition for the payment of maintenance and cure. That arbitrary deprivation of maintenance and cure benefits requiring the filing of this action to obtain same calls for the assessment of attorney fees.

WHEREFORE Plaintiff prays this Honorable Court enter an Order requiring Defendant to pay Plaintiff his unearned wages for the full term of his employment contract and assess attorney fees as well.

O'BRYAN BAUN COHEN KUEBLER

/s/Howard M. Cohen

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Howard M. Cohen (P41346)  
Attorney for Plaintiff  
401 S. Old Woodward, Ste. 450  
Birmingham, MI 48009  
(248) 258-6262  
(248) 258-6047  
[hcohen@obryanlaw.net](mailto:hcohen@obryanlaw.net)

DATED: December 5, 2007

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on the 5<sup>th</sup> day of December, 2007 the foregoing was filed using the Court's ECF Filing System and will be served through the Court's ECF system and will also be served via first class mail, postage prepaid, upon the following attorney of record:

Stephanie R. Miller, Esq.  
One Riverfront Plaza  
Suite 602  
Louisville, KY 40202

/s/ Howard M. Cohen

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